



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

July 11, 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7015 1520 0001 7928 4420

Mr. Benjamin Claus
Environmental Program Specialist
City of Oakland
250 Frank H. Ottawa Plaza
Oakland, California 94612
bclaus@oaklandnet.com

**SUBJECT: FAILURE TO COMPLY; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT FIRE STATION #8, 463 51ST STREET, OAKLAND**

Dear Mr. Claus:

As of the date of this letter, the State Water Resources Control Board (State Water Board) has not received a response to our May 11, 2017 Notice of Violation (NOV)(attached). You are directed to correct the ongoing violations identified in the NOV and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within ten (10) days from the date of this letter.

Please send all compliance documentation to the following:

State Water Board

Ms. Rebecca Green
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
rebecca.green@waterboards.ca.gov

Local CUPA

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502
aileen.mendoza@acgov.org

Failure to comply with this notice may result in an enforcement action by the State Water Board. The State Water Board reserves the right to bring an action against the owner and/or operator of the tank(s) in violation, or it may recommend that Alameda County Department of Environmental Health pursue enforcement, or Alameda County Department of Environmental Health may elect to pursue enforcement independently.

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

July 11, 2017

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Amantha Henkel". The signature is fluid and cursive, with the first name "Amantha" and last name "Henkel" clearly distinguishable.

Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

Attachment: May 11, 2017 Notice of Violation

cc: *(via email only)*

Mr. Manny Watson
Fire Department / Administrative Officer
City of Oakland
ewatson@oaklandnet.com

Ms. Kayleigh Lim
Environmental Program Specialist
City of Oakland
klim@oaklandnet.com

Ms. Susan Hugo, Chief
Hazardous Materials Division
Alameda County Department of
Environmental Health
susan.hugo@acgov.org

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
aileen.mendoza@acgov.org

State Water Resources Control Board

May 11, 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7015 1520 0001 8017 2440

Lieutenant Jason Stein
Oakland Fire Department
463 51st Street
Oakland, California 94609
jstein@oaklandnet.com

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT FIRE STATION #8, 463 51ST STREET, OAKLAND**

Dear Mr. Stein:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on April 26, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Maintain Operating Permit – The permit to operate was not available at the time of inspection.	All	April 26, 2017	Ongoing	H&SC 25284(a)
2	Failure to Maintain Tank Information (Form B) – The tank information pages in CERS need to be updated because the tank manufacturer is listed incorrectly and the tank name is listed as unknown.	Diesel	April 26, 2017	Ongoing	23 CCR 2711(a)
3	Failure to Maintain Monitoring Plan – The monitoring plan in CERS needs to be updated: the UDC monitoring lists float chain assembly, but a sensor is used; the training section lists "no" for Designated Operator (DO) training; the testing section lists "no" for secondary containment testing and spill bucket testing.	All	April 26, 2017	Ongoing	23 CCR 2632(d)(1), 2711(a)(9)

No.	Violation	Tank	Start Date	Stop Date	Regulation
4	Failure to Maintain Site Map – The site map was not available at the time of inspection and not in CERS. The site map must include a scaled diagram or as-built drawing which indicates the location of the UST (tank, piping, auxiliary equipment) with respect to buildings or other landmarks.	All	April 26, 2017	Ongoing	23 CCR 2711(a)(8)
5	Failure to Maintain Financial Responsibility – The letter from the Chief Financial Officer (CFO) must indicate that the facility is using the financial test of self-insurance. The letter must contain specific wording from the Code of Federal Regulations (CFR), 40 CFR part 280, subpart H, and be signed by the CFO. A financial test of self-insurance must accompany the letter and be updated annually.	All	April 26, 2017	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)
6	Failure to Maintain Monitoring or Testing Records Onsite – The 2014 and 2015 annual monitoring certification and spill containment testing records were not available at the time of inspection. These documents must remain onsite for three years.	All	April 26, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b)
7	Failure to Meet DO Inspection Requirements – The alarm history reports or logs were not attached to each monthly DO inspection record found in CERS. The DO form used does not document all actions taken in response to alarms because the document omits item numbers 6, 7, 8, and 9.	All	March 1, 2016	Ongoing	23 CCR 2715(c)
8	Failure to Perform DO Inspections – There were no DO inspection reports available after the September 2016 report.	All	October 1, 2016	Ongoing	23 CCR 2715(c)
9	Failure to Monitor Product Piping – The sensors in the piping sump and under dispenser containment (UDC) are unable to detect a leak at the earliest opportunity because they are not in a vertical position.	All	April 26, 2017	Ongoing	23 CCR 2630(d)

No.	Violation	Tank	Start Date	Stop Date	Regulation
10	Failure to Maintain Spill Containment Requirements – The spill container contains one inch of liquid and a rag inside of it, this prevents its ability to hold five gallons.	Diesel	April 26, 2017	Ongoing	H&SC 25284.2; 23 CCR 2635(b)(1)
11	Failure to Tag Monitoring Equipment – A certification tag was not affixed to any of the monitoring equipment components that were certified during the October 4, 2016 monitoring certification. These tags must be placed in a readily visible location.	Diesel	April 26, 2017	Ongoing	23 CCR 2638(f)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance. Please reprogram the Veeder-Root monitoring panel with the correct time of day.

Please send all compliance documentation to the following:

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Office of Enforcement
State Water Resources Control Board
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rebecca.green@waterboards.ca.gov

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Sincerely,



Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

cc: See next page.

cc: *(via email only)*

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Environmental Program Specialist
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bclaus@oaklandnet.com

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